

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ANTHONY WESBECHER,

Petitioner, No. CIV S-04-0807 FCD CMK

vs.

DANIEL FOY,

Respondent. ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proven, respondents will be directed to file a response to petitioner's application.

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In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner's request to proceed in forma pauperis is granted;
 2. Respondent is directed to file a response to petitioner's application within
m the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer
npanied by any and all transcripts or other documents relevant to the determination
resented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;
 3. Petitioner's traverse, if any, shall be filed and served within thirty days of
answer;
 4. If the response to petitioner's application is a motion, petitioner's opposition or
on-opposition shall be filed and served within thirty days of service of the motion,
nts' reply, if any, shall be filed within fifteen days thereafter; and
 5. The Clerk of the Court shall serve a copy of this order together with a copy of
application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jo Graves,
nt Attorney General.

DATED: May 16, 2005.

Craig M. Kellison
CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE